

**DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS
TESTIMONY BEFORE THE CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES
COMMUNICATIONS SERVICES AUTHORIZING RESOLUTION
MONDAY, MAY 13, 2013**

Good morning, Chairman Comrie, Chairman Weprin and members of the Subcommittee on Zoning and Franchises. My name is Stanley Shor and I am Assistant Commissioner for Franchise Administration at the Department of Information Technology and Telecommunications, or DoITT. With me today is Tanessa Cabe of the Counsel's Office at DoITT and Bruce Regal, Senior Counsel with the New York City Law Department. Thank you for the opportunity to testify on Land Use Number 821 of 2013 – the Communications Services Authorizing Resolution.

The resolution before you would renew, for an additional five years, DoITT's authority to issue non-exclusive franchises for the use of the City's rights of way for provision of landline communications services. (These do not include cable television services or sidewalk payphone services, which are covered by other, existing Council authorizing resolutions). The provisions of the proposed resolution are the same as those of a recently-expired resolution of similar effect adopted by the City Council in 2008.

DoITT is requesting this renewed authorizing resolution because non-exclusive franchises for the provision of voice, data, and similar services continue to promote a competitive marketplace for broadband infrastructure by providing multiple providers access to the City's streets to install their fiber optic lines and related facilities. Having additional competitors in the New York City market ensures more choices for consumers and business users of communications services. Under the proposed renewed authorizing resolution, DoITT anticipates franchise requests from new providers in addition to potential requests for renewal of previously-granted franchises.

The City Council first adopted a resolution authorizing the grant of franchises for these purposes on March 26, 1992 (Res. No. 404) and thereafter renewed such authorization on August 26, 1997 (Res. No. 2232-A); renewed it again on November 20, 2002 (Res. No. 225-A); and again on February 27, 2008 (Res. No. 1204). This series of resolutions has authorized DoITT, and its predecessor agencies, to grant non-exclusive franchises for the construction, installation, use, operation and/or maintenance of cable, wire and/or optical fiber and associated equipment on, over and under the inalienable property of the City (including through pipes, conduits and similar improvements) for provision of telecommunications services. For this purpose, "telecommunications services" are defined by proposed resolution as including voice, data and information services, and other similar services, in the City.

DoITT's authority to approve new franchises of this type under the most recent of this series of authorizing resolutions (Res. No. 1204 of 2008) expired on February 27, 2013. Since the Council first authorized this type of franchise more than 20 years ago, back in 1992, the City's Franchise and Concession Review Committee has approved 20 different franchises of the type covered by this series of resolutions, providing a wide range of communications services supplied by a diverse group of franchisees, including companies large and small, national and local, and including M/WBEs. Two companies – Stealth Communications Services, LLC and United Federal Data of New York, LLC – recently sought and were granted approval for franchises, authorized pursuant to this type of resolution, earlier this year. The City, through DoITT, continues to receive interest in further new participation in this marketplace.

Please note that the franchises authorized by this proposed resolution, as in the past, would *not* include franchises for the provision of cable television service, nor would this proposed resolution authorize franchises for the installation on City sidewalks of public pay telephone kiosks, or antennas for wireless transmission and reception. Provision of all these existing services are covered by separate Council franchise authorizing resolutions.

In conclusion, we respectfully request that the Committee consider and approve the proposed resolution.

Thank you again for the opportunity to testify this morning, and we will be happy to answer any questions you may have.

Project Summary
ULURP No. N 130134 ZRQ

Sidewalk Cafes – LIC District

The LIC District is not included among the list of special districts where sidewalk cafes are allowed (ZR Section 14-44). The proposed zoning text amendment would allow unenclosed sidewalk cafes on 20 streets within the special district, including Jackson Avenue and Vernon Boulevard, two vibrant retail streets within the neighborhood. The streets have sidewalk widths ranging from 14.5 feet to over 20 feet, and contain existing eating and drinking establishments. The text change would also legalize six existing cafes along Jackson Avenue and Vernon Boulevard.

The proposed locations for sidewalk cafes were developed in consultation with Community Board 2 and the Dutch Kills Civic Association.

Sidewalk Cafes – PC District

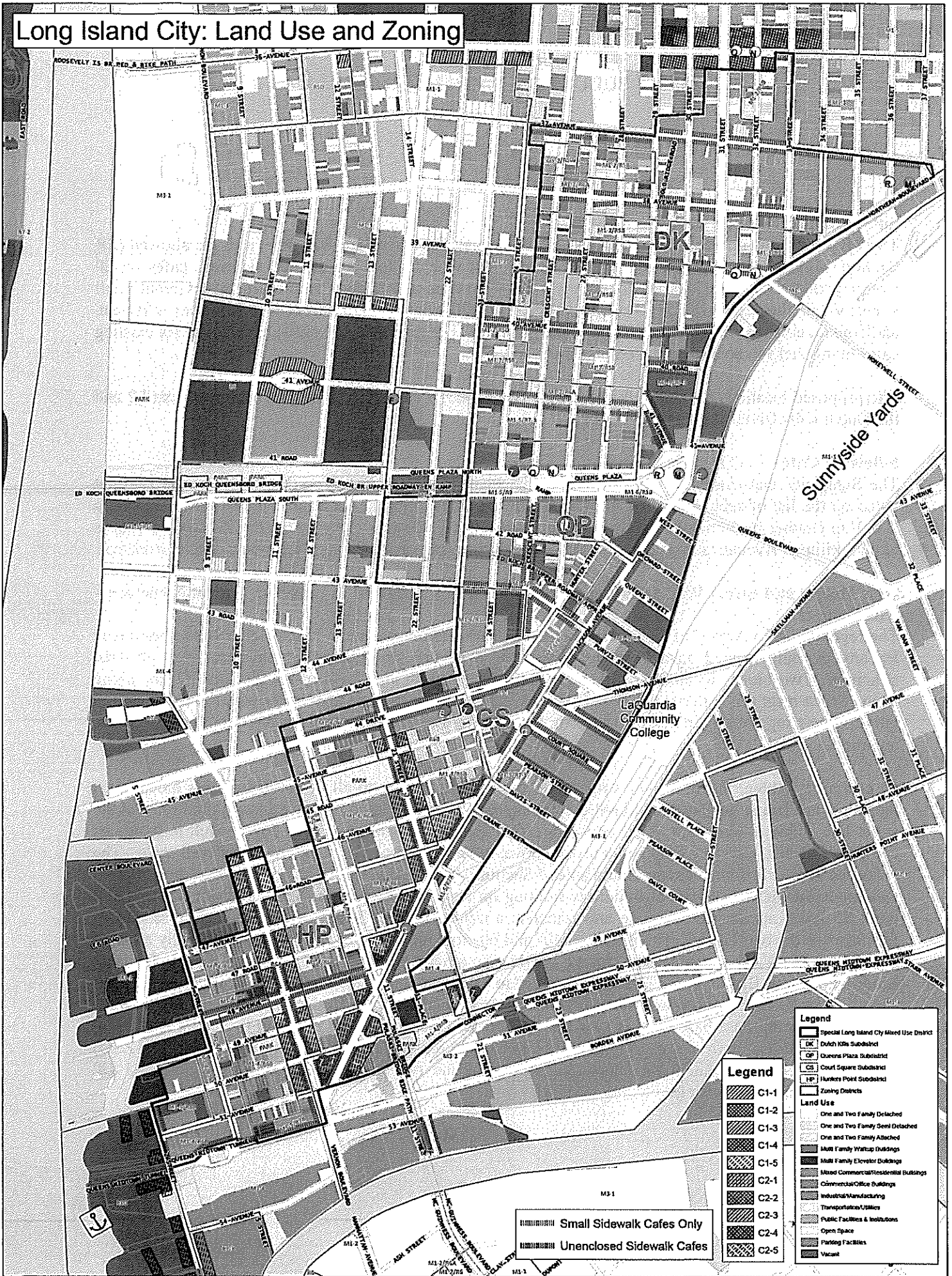
The Sunnyside Gardens Subdistrict of the Special Planned Community Preservation District is also not listed on the list of special districts allowing sidewalk cafes. During the Sunnyside-Woodside rezoning CM Van Bramer recommended allowing small, unenclosed sidewalk cafes within the PC District blocks along Skillman Avenue, as was done for the other blocks on the avenue which have commercial overlays.

Base Height and Street Wall Location Changes for Block Adjacent to Elevated Transit Structure – LIC District

The regulations for Area C of the Queens Plaza Subdistrict allow minimum base height rules to be waived for any building located on a block in adjacent to a narrow street along which there is an elevated structure. Two blocks located on Jackson Avenue to the north and south of the elevated #7 line along Davis Street meet this criteria: the Wolkoff block, where we've reached agreement with the developer on building massing, and the block to the north, bounded by Davis Street, Jackson Avenue, Pearson Street, and the Sunnyside Yard.

At currently written, the waiver of a minimum base height applies to all of the lots on this block, even those lots not facing an elevated structure. The street wall of a building, however, is required to be at the street line. This combination of street wall location and base height provisions could result in buildings composed of a single story base and a tower above, rather than providing a strong street wall scale. The proposed zoning text amendment would amend Section 117-532 to establish a minimum base height of 40 feet for buildings or portions of buildings fronting on Davis Street between the Sunnyside Yards and a point 75 feet from Jackson Avenue and establish a minimum base height of 60 feet for the remaining frontages of the two blocks. The proposed 40- and 60- foot minimum base heights are currently allowed but not required. This zoning text change would also amend Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403) in order to allow an application for this special permit that has already been filed to proceed into the public review process as currently designed even if it does not meet the proposed minimum base heights. An application for a special permit pursuant to Section 117-56 to increase the allowable floor area ratio (FAR) from 5.0 to 8.0 was filed on February 8, 2013 (130191ZSQ) for a proposed development on Block 86/72, one of the two blocks affected by the proposed QP Subdistrict zoning text change.

Long Island City: Land Use and Zoning



Legend

- Special Long Island City Mixed Use District
- DK Dutch Kills Subdistrict
- OP Queens Plaza Subdistrict
- CS Court Square Subdistrict
- HP Hunters Point Subdistrict
- Zoning Districts

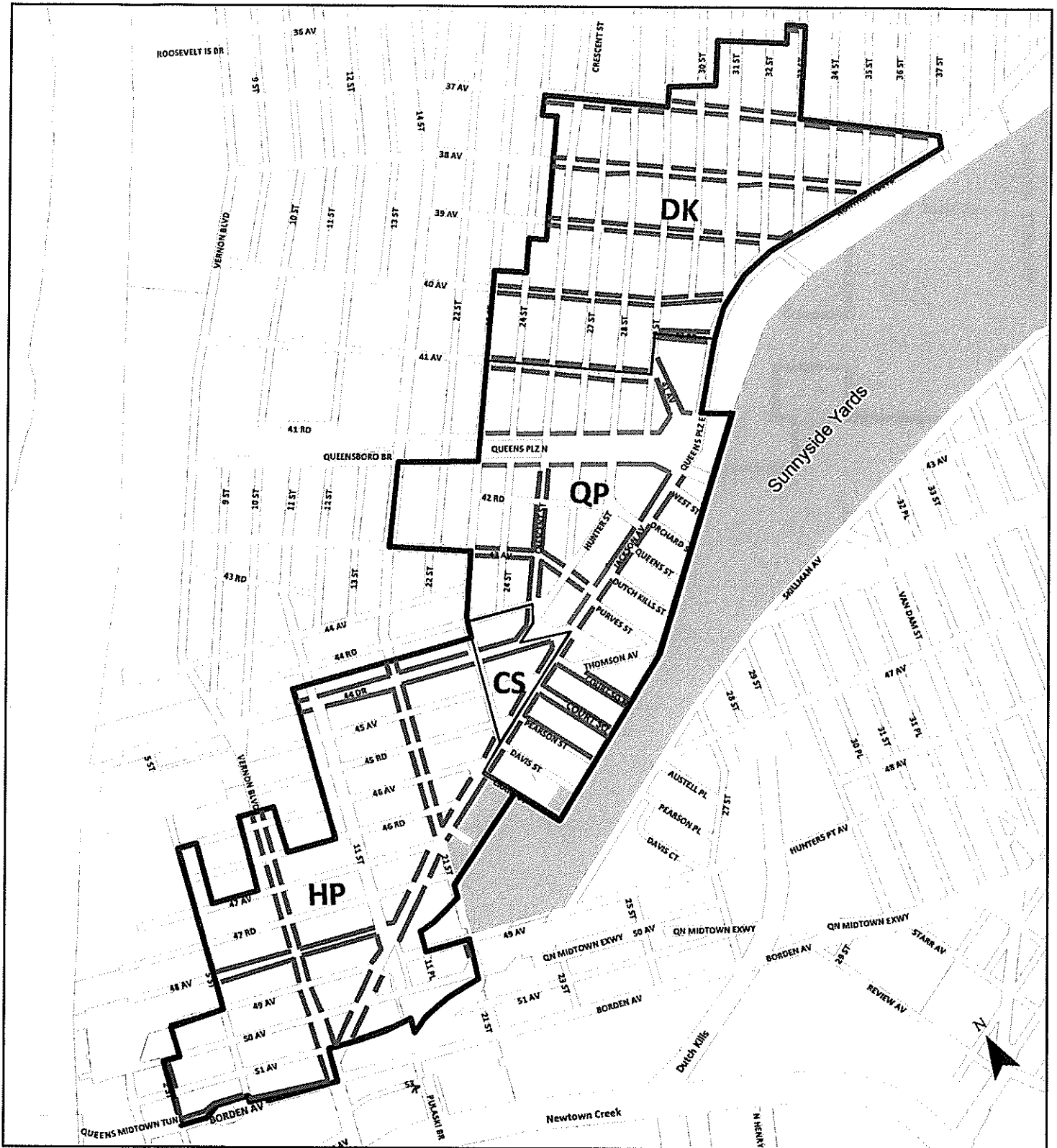
Land Use

- One and Two Family Detached
- One and Two Family Semi Detached
- One and Two Family Attached
- Multi Family Walkup Buildings
- Multi Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utilities
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant

Small Sidewalk Cafes Only
 Unenclosed Sidewalk Cafes

Legend

- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5





- Special Long Island City Mixed Use District*
- Subdistrict Boundary
- Sunnyside Yard
- CS Court Square Subdistrict
- DK Dutch Kills Subdistrict
- Small Sidewalk Cafes Only
- QP Queens Plaza Subdistrict
- HP Hunters Point Subdistrict
- Unenclosed Sidewalk Cafes

**Sunnyside Gardens Special Planned Community Preservation District:
Proposed Sidewalk Cafe Text Amendment**

Sunnyside Yards

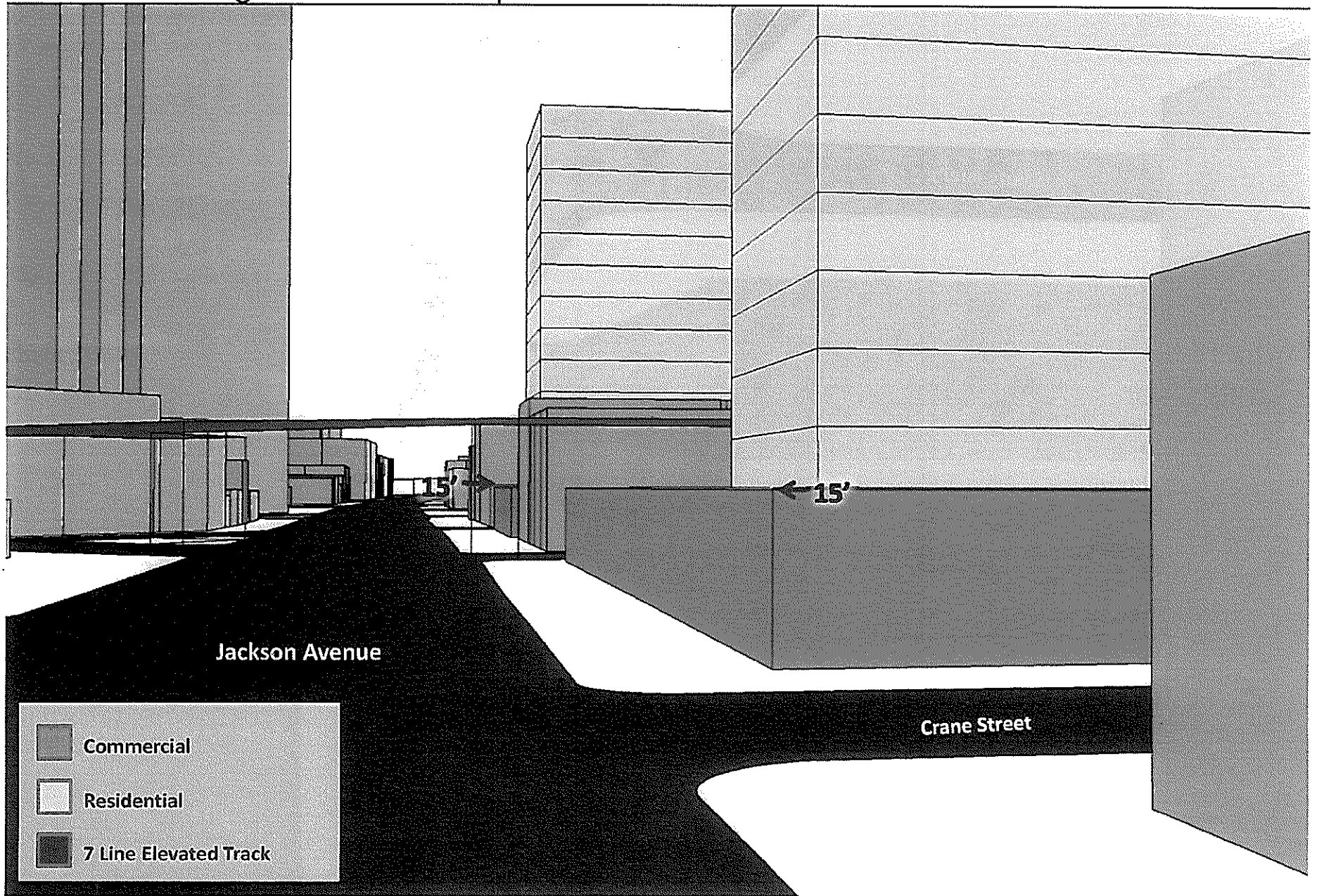
41 STREET
42 STREET
43 STREET
44 STREET
45 STREET
46 STREET
47 STREET
48 STREET
43 AVENUE
39 AVENUE
39 ROAD
39 DRIVE
SKILLMAN AVENUE
ROOSEVELT AVENUE
52 STREET
52 STREET
52 STREET
53 STREET
BARNETT AVENUE
WOODSIDE AVENUE

Legend

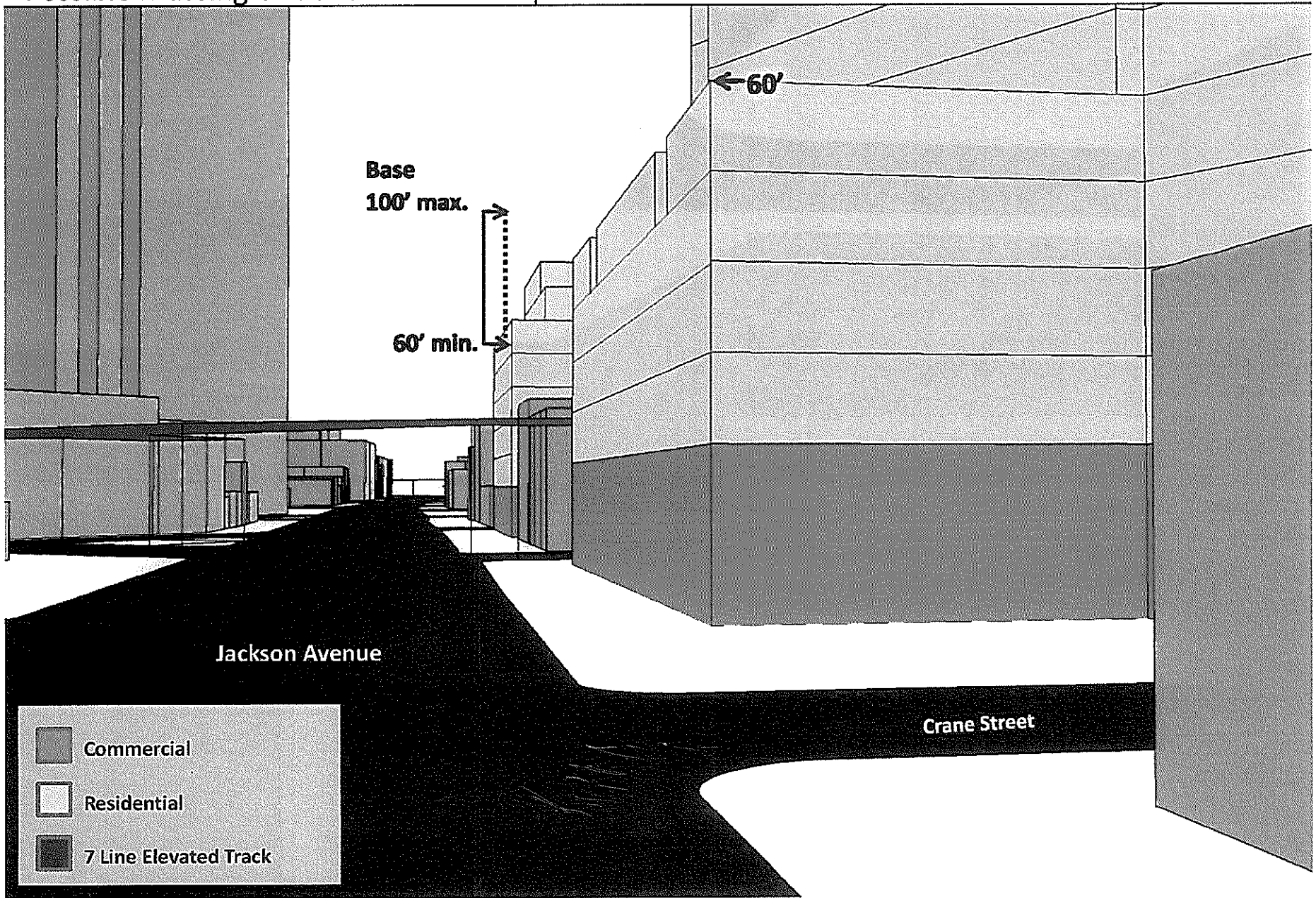
-  Sunnyside Gardens Special Planned Community Preservation District
-  Proposed Streets for Unenclosed Sidewalk Cafes



Possible Massing Under **EXISTING** Special District Text



Possible Massing Under a MODIFIED Special District Text



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: Bruce Regal

Address: 160 Church St

I represent: NYC Law Dept

Address: 100 Church St NY 10007

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LV802 Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: PENNY LEE

Address: _____

I represent: CITY PLANNING, QUEENS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LV802 Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: CAROLYN GROSSMAN

Address: _____

I represent: CITY PLANNING

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0801-2013 Res. No. _____

in favor in opposition

Date: 5/13/13

(PLEASE PRINT)

Name: RICHARD BASS

Address: 2 PARK AVE

I represent: NR PROPERTY 2 LLC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 14803 2013 Res. No. _____

in favor in opposition

Date: 5/13/12

(PLEASE PRINT)

Name: JENNIFER DICKSON

Address: HENRIK FEINSTEIN - 2 PARK AVE

I represent: NR PROPERTY 2 LLC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 821 Res. No. _____

in favor in opposition

Date: 13 May 2013

(PLEASE PRINT)

Name: Stanley Shor

Address: 2 MetroTech Center 4th Floor

I represent: NYC Department of Information Technology & Telecommunications

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 8224 Res. No. _____

in favor in opposition

Date: 5/13/2013

(PLEASE PRINT)

Name: Stanley Shor

Address: 2 MetroTech Center 4th Floor

I represent: NYC Department of Information Technology & Telecommunications

Address: 300 62nd Street 5th Floor Brooklyn NY

Please complete this card and return to the Sergeant-at-Arms